

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSE ANTONIO RAMOS,)	
)	
Petitioner,)	
)	Civil Action No. 10-31 Erie
v.)	
)	
JEROME WALSH, et al.,)	
)	
Respondents.)	

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on February 3, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 68], filed on September 29, 2011, recommended that the Amended Petition be dismissed for lack of jurisdiction and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service to file objections and service was made on Petitioner by certified mail. Objections were filed by Petitioner on October 11, 2011 [ECF No. 69]. After de novo review of the Amended Petition and documents in the case, together with the Report and Recommendation and Objections thereto, the following order is entered:

AND NOW, this 12th day of October, 2011;

IT IS HEREBY ORDERED that the Petitioner's Amended Petition for Writ of Habeas Corpus is DISMISSED for lack of jurisdiction and a certificate of appealability is DENIED.

The Report and Recommendation [ECF No. 68] of Magistrate Judge Baxter, filed on September 29, 2011, is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge